

## *Off-Highway Vehicles (OHV)*

### 13.000 Definitions

Off-highway vehicles (OHV) are motor vehicles not otherwise registered under the *California Vehicle Code*, operated exclusively off the highways on lands that are open and accessible to the public. These vehicles must display an identification plate or device issued by the Department of Motor Vehicles.

The term “highway” **does not** include fire trails, logging roads, or service roads regardless of surface composition, or other roughly graded trails and roads upon which vehicular travel by the public is permitted. (VC §38001)

“**Off-Highway Vehicle**” (VC §38012)—Includes, but **is not** limited to:

- Any motorcycle or motor-driven cycle, **except** for any motorcycle eligible for a special transportation identification permit. See “Racing Motorcycles” below.
- Any snowmobile or other vehicle designed to travel over snow or ice. A “snowmobile” is a motor vehicle designed to travel over ice or snow in whole or in part on skis, belts, or cleats. (VC §557)
- Any motor vehicle commonly referred to as a sand buggy, dune buggy, all terrain vehicle, or jeep.

“**Racing Motorcycles**” (VC §38088)—Motorcycles certified by the owner as used exclusively on a closed course in competitive events. A “closed course” includes a speedway, racetrack, or a prescribed and defined route of travel on or off a highway that is closed to all motor vehicles other than the participants’ vehicles. A closed course **is not** available at any time for vehicular access by the general public. (VC §38014)

**NOTE:** A special Motorcycle Transportation Permit may be issued for the purpose of transporting a racing motorcycle to and from racing events. Refer to Section 25.075 for the application requirements.

“**All-Terrain Vehicle**” (ATV) (VC §111)—An ATV is a motor vehicle designed for off-highway operation by an operator with no passengers. An ATV has a single seat for the operator **and** handlebars for steering control, is 50 or less inches wide and weighs 600 pounds or less, unladen. An ATV **cannot be converted** to on-highway registration, regardless of aftermarket conversion kits or added equipment.

**13.005 Exemptions from Off-Highway Vehicle Identification (VC §38010)**

The following vehicles are exempt from OHV identification:

- Vehicles crossing a highway in accordance with a permit issued by the Department of Transportation.
- Special construction equipment, special mobile equipment, cemetery equipment, forklift trucks, firefighting vehicles, logging vehicles, and golf carts.
- Implements of husbandry. (Defined in *Vehicle Code* Division 16, beginning with Section 36000.)
- Self-propelled wheelchairs.
- Motorized bicycles (mopeds).
- Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.
- Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in VC §22512.
- Special construction equipment described in VC §565, regardless of whether such motor vehicles are used in connection with highway or railroad work.
- A motor vehicle owned or operated by a nonresident of this state, whether or not such vehicle is identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver license issued by a foreign jurisdiction shall be presumed to be such a nonresident.
- Commercial vehicles weighing 6,001 pounds or more, unladen.
- Any motorcycle manufactured in the year 1942 or prior.
- Four-wheel motor vehicles operated solely in organized racing or competitive events upon a “closed course” when such events are conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.
- Any racing motorcycle which carries a Motorcycle Transportation Permit while being transported on the highway. Refer to Section 25.075 for information.

**13.010 Off-Highway Vehicle Identification Plate**

The department issues an OHV plate upon original registration of an OHV and biennially upon renewal of registration. The OHV plate is a numbered sticker showing the OHV expiration year and month and it must be affixed to the vehicle as specified in *Vehicle Code* §38170.

**NOTE:** The department produces a Fast Facts (FFVR 16) which contains instructions for affixing OHV plates.

An OHV Certificate of Title and registration are issued for OHV-registered vehicles.

### 13.015 Off-Highway Vehicle Operation (VC §38025)

Motor vehicles identified as off-highway vehicles may be operated or driven upon a highway **only** as follows:

- On a two-lane highway only to cross the highway which is closed to motor vehicles subject to registration commencing with VC §4000.
- Only to cross at designated places on-highways with more than two lanes.
- Towed (**not** driven) upon a highway provided the vehicle displays a valid OHV identification plate.
- Motorcycles may be pushed (**not** ridden) upon a highway provided the vehicle displays a valid OHV identification plate.
- Racing or competitive motorcycles displaying a Motorcycle Transportation Permit may be transported upon a highway to and from racing events on a closed course. Refer to Section 25.075 for Motorcycle Transportation Permit.

To be transported on the highway, an OHV **must** have OHV identification, regular vehicle registration or a Motorcycle Transportation Permit.

**NOTE:** 1997 and newer year model OHVs that **do not** meet California's OHV emissions standards (non-complying OHVs) are limited to operation during designated months only. Refer to Section 13.030 for information.

### 13.020 Fee and Penalty Assessment (VC §38225, 38.225.4, 38225.5, 38230, 38245–38246, 38255, 38260, and 38265)

OHV registration expires June 30 of the second year after the fee became due. The assigned expiration date will be an odd or even numbered year as determined by the year of original registration and it **does not** change. (VC §38115) For example:

- An original OHV registration in 2004 expires June 30, 2006.
- An original OHV registration in 2005 expires June 30, 2007.

Refer to the Fees appendix, Appendix 1F, for OHV fees. The fees **must be paid before** the OHV is operated and/or transported in this state or it is delinquent. (VC §38245) A penalty is added if the fee is not paid within 20 days of the date it became due. (VC §38246d)

- The renewal fee **must** be paid on or before the June 30th expiration date to avoid a penalty.
- The OHV fee is **never** prorated.
- The nonresident military exemption **cannot** be used for OHV registration/renewal.
- The OHV renewal fee **must be** paid on a registration or transfer application submitted between June 1 and June 30 of the OHV registration expiration year, and may be paid on these applications submitted between January 1 and May 31 of the OHV expiration year.

**13.020 Fee and Penalty Assessment, continued**

**Penalty for Delinquency (VC §§38245–38246 and 38265)**—If an off-highway motor vehicle subject to identification is operated or transported in California before the required fee is paid, that fee is delinquent. The penalty is 50% of the fee.

**EXCEPTION:** A penalty is not assessed when a transferee acquires an OHV and the OHV registration subsequently expires, and the transferee pays the renewal fees due within 20 days from the date of transfer.

**13.025 Requirements for Original Off-Highway Vehicle Identification**

**New Off-Highway Vehicle Sold by a California Dealer**—The requirements are:

- An Application for Registration of New Vehicle (REG 397) completed in the same manner as any other new vehicle sale. Refer to Chapter 1 for instructions.
  - Clearly mark “OHV” on **all** copies of the REG 397.
  - Show both the frame and engine numbers for a motorcycle.
  - Place the temporary operating copy of the REG 397 on the vehicle.
  - Mail the dealer notice portion of the REG 397 to the department’s Sacramento Headquarters not later than the fifth calendar day after the sale.
- The OHV identification fee. Refer to Fees Appendix, Appendix 1F, for fees.

**Nonresident Off-Highway Vehicle Sold by a California Dealer**—The requirements are:

- An Application for Title or Registration (REG 343).
- A vehicle verification. (Both the frame and engine numbers must be shown for a motorcycle.)
- The nonresident title or equivalent proof of ownership. Refer to Chapter 7 for additional nonresident vehicle information.
- A Report of Sale–Used Vehicle (REG 51).
- The OHV identification fee.

**NOTE:** Dual registration is required if the buyer insists on OHV identification for a vehicle operated in California in a manner which causes regular registration fees to be due. Refer to Section 13.055.

**Used Vehicles Sold by a California Dealer**—The requirements are:

- A completed Application for Title or Registration (REG 343).
- The properly endorsed Certificate of Title.
- A Report of Sale–Used Vehicle (REG 51).
- The OHV transfer fee.

### 13.030 Non-Complying Off-Highway Vehicles

California Air Resources Board (ARB) regulations allow **2003 and newer year model** off-highway vehicles (OHVs) that **do not** meet California's off-highway vehicle emissions standards (non-complying vehicles) to be sold and registered off-highway. Non-complying OHVs are issued a unique (red) OHV sticker that permits limited operation of the OHV during designated months.

Non-complying OHVs can be identified by a **“3” or “C” in the eighth position** of the manufacturer's vehicle identification number (VIN). Non-complying OHVs **cannot be** registered on-highway and **do not** qualify for dual (on- and off-highway) registration. The registration and renewal requirements are the same as for other OHVs.

**NOTE:** Non-complying (red sticker) OHVs **cannot** convert to on-highway or dual registration regardless of when purchased.

### 13.035 Transfers (VC §38195)

OHV transfer requirements are the same as regular (on-highway) vehicle transfer requirements **except** that a smog certification **is not** required.

**NOTE:** Vehicles originally manufactured for off-highway use **without** an odometer that are converted to on-highway operation are exempt from odometer disclosure.

When renewal fee penalties have **not** accrued and the vehicle ownership is transferred, the transferee shall have 20 days from the date of the transfer to pay any identification fees due without penalty (VC §§38246 and 38250).

### 13.040 Converting from “Title Only” or Expired Regular Registration to Off-Highway

The requirements to convert a vehicle previously issued a “title only” or a vehicle with expired on-highway registration are:

- The properly endorsed Certificate of Title.
- The Report of Sale–Used Vehicle (REG 51).
- The license plates assigned to the vehicle.
- The OHV fee and the transfer fee. Duplicate fees are not due for missing plates or a registration card on an original OHV application. Fees and penalties may be required if the registration is expired and PNO status **is not** on record.

**13.045 Converting from Previous Nontitle (Goldenrod) Registration to Off-Highway**

The OHV registration requirements for a vehicle registered, but **not titled**, in California are:

- An Application for Title or Registration (REG 343).
- Evidence of ownership (the out-of-state title, for example) **and** any bills of sale needed to establish a complete chain of ownership to the buyer.
- The Report of Sale–Used Vehicle (REG 51).
- The license plates assigned to the vehicle.
- The OHV fee and the transfer fee.

**13.050 Converting from Off-Highway to On-Highway Registration**

The California Air Resources Board (ARB) established emission regulations for on-highway motorcycles beginning with 1978 year models. These regulations require an off-highway motorcycle to have an emission label affixed to the vehicle indicating certification by the manufacturer for on-highway use when converting to on-highway (or dual) registration. These regulations were implemented January 1, 2004.

**NOTE:** Vehicles originally manufactured for off-highway use **without** an odometer being converted to on-highway operation are exempt from odometer disclosure.

The OHV indicia **must be** removed and destroyed when a vehicle is converted from OHV to on-highway registration **only**. (The OHV registration becomes void, even if it has not expired.)

The on-highway registration requirements are:

- An Application for Title or Registration (REG 343) in the buyer's name.
- The OHV title.
- A vehicle verification.

| <i><b>If the motorcycle is a...</b></i>   | <i><b>then the motorcycle...</b></i>   |
|---|--|
| 1977 or older year model  | can be converted to on-highway or dual registration  |
| 1978 and newer year model with an engine less than 50cc   |  |
| 1978 and newer year model with an engine 50cc and larger and an emission label indicating that it complies with U.S. EPA and/or California regulations for on-highway use |  |
| 1978 and newer year model with an engine 50cc and larger and no emission label  | <b>cannot</b> be converted to on-highway or dual registration. The vehicle <b>does not</b> qualify for on-highway use. |
| 1978 and newer year model with an emission label indicating off-road or off-highway   |  |

**13.050 Converting from Off-Highway to On-Highway Registration, continued**

- Any bills of sale required to establish a complete chain of ownership.
- The Report of Sale–Used Vehicle (REG 51).
- Official Brake and Light Certificates.
- A smog certification, if appropriate.
- A weight certificate for a commercial vehicle.
- The application **must** include a Statement of Facts (REG 256) stating the vehicle is in compliance with all requirements shown on the CHP 888 (for motorcycles) or CHP 885 (for vehicles other than a motorcycle or ATV).
- The registration fees due.

**NOTE:** ATVs with three, four, or more wheels **cannot be** converted to on-highway registration, regardless of aftermarket conversion kits or added equipment. Three-wheeled ATVs **do not** comply with emission standards for on-highway motorcycles and ATVs with four or more wheels **do not** comply with emission regulations for automobiles and commercial vehicles and cannot be registered as motorcycles.

**13.055 “Dual” Registration**

The term “dual registration” refers to a vehicle registered for both on-highway (regular registration) and off-highway operation. OHV registration is not required to operate a registered vehicle on public lands. Non-complying OHVs **do not** qualify for dual registration.

**New or Nonresident Vehicles**—Two applications are required.

| <i>For...</i>                          | <i>then submit the following...</i>   |
|--|---|
| regular (on-highway) registration      | <ul style="list-style-type: none"> <li>• the Application for Registration of New Vehicle (REG 397) <b>or</b> the usual nonresident registration requirements as shown in Chapter 6.</li> <li>• a Statement of Facts (REG 256) from the buyer which:               <ul style="list-style-type: none"> <li>— requests dual registration on a permanent basis <b>and</b></li> <li>— confirms that he/she understands renewal fees for both the on-highway and OHV registration will be required to maintain the dual registration.</li> </ul> </li> <li>• a smog certification, if appropriate.</li> <li>• the registration fees.</li> </ul> |
| off-highway vehicle (OHV) registration | <ul style="list-style-type: none"> <li>• an Application for Title or Registration (REG 343).</li> <li>• a Statement of Facts (REG 256) from the buyer requesting OHV registration in addition to the regular (on-highway) registration.</li> <li>• the OHV fee.</li> </ul>  |

**13.055 “Dual” Registration, continued**

**Adding OHV Registration to a Currently Registered Vehicle**—The requirements are:

- An Application for Title or Registration (REG 343) in the buyer’s name.
- The usual transfer requirements shown in Chapter 6.
- A Statement of Facts (REG 256) completed by the buyer which requests dual registration on a permanent basis **and** confirms that he/she understands renewal fees for both the on-highway and OHV will be required to maintain the dual registration.
- The OHV fee.

**Adding On-Highway Registration to an OHV**—Two applications are required to add on-highway registration to a currently registered OHV.

**On-Highway Registration Application**—The requirements are:

- The OHV Certificate of Title.
- The usual transfer requirements shown in Chapter 5.

**NOTE:** Vehicles originally manufactured for off-highway use **without** an odometer being converted to on-highway operation are exempt from odometer disclosure.

- A Statement of Facts (REG 256) stating the vehicle is in compliance with all requirements shown on the CHP 888 (for motorcycles) or CHP 885 (for vehicles other than a motorcycle or ATV).

**NOTE:** ATVs with three, four, or more wheels **cannot be** converted to on-highway registration, regardless of aftermarket conversion kits or added equipment. Three-wheeled ATVs **do not** comply with emission standards for on-highway motorcycles and ATVs with four or more wheels **do not** comply with emission regulations for automobiles and commercial vehicles and cannot be registered as motorcycles.

- Official Brake and Light Certificates.
- A weight certificate for a commercial vehicle.
- A smog certification, if appropriate.
- The registration fees.

**OHV Registration Application**—The requirements are:

- A Statement of Facts (REG 256) from the buyer which requests dual registration on a permanent basis **and** confirms that he/she understands that renewal fees for both the on-highway and OHV registration will be required.
- The OHV fee.



**13.055 “Dual” Registration, continued**

**Amphibious Motor Vehicles**—Off-highway identification may be requested for an amphibious motor vehicle required to be numbered as a vessel. When an original application is submitted for “dual” OHV identification and vessel Certificate of Number, ownership documents **must be** a part of the OHV application. An OHV Certificate of Title will be issued in lieu of the vessel ownership.

